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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/458,506 12/09/99 KANG

T 5484-53

EXAMINER

MM91/0328

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PORTLAND OR 97205

ART UNIT	PAPER NUMBER
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2811
DATE MAILED:

03/28/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/458,506

Applicant(s)
Kang

Examiner
ORI NADAV

Group Art Unit
2811



☒ Responsive to communication(s) filed on Feb 23, 2001

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-28 is/are pending in the application.

Of the above, claim(s) 1-13 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 14-28 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Dec 9, 1999 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2811

DETAILED ACTION

Election/Restriction

1. Applicant's election without traverse of claims 14-28 in Paper No. 4 is acknowledged.

Drawings

2. The drawings are objected to because in the section "Brief Description of Drawings" figures 6-9, and 13-16 are not mentioned individually. Correction is required.

Specification

3. The abstract of the disclosure is objected to because it describes a method of making a device, whereas the claimed are directed to a semiconductor device. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2811

5. The claimed limitation of active regions of transistors having electrodes on the substrate, as recited in claims 14, 18, 22 and 26, is unclear as to how active regions of transistors can have electrodes on the substrate, since active regions of transistors are formed between the source and drain regions inside the substrate.

6. The claimed limitation of two or more gate at a substantially constant gap on the substrate, as recited in claims 14, 18 and 22 is unclear as to which gap applicant refers, and how the gap is structurally connected to the gates.

7. The claimed limitation of dummy gates at substantially the same gap, as recited in claims 14, 18 and 22 is unclear as to which gap applicant refers, and how the gap is structurally connected to the gates.

8. Claims 18 and 22 recite the limitation "the transistors gates" in lines 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2811

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

10. Claims 14-16, 18-20, 22-24 and 26-27, insofar as in compliance with 35 U.S.C. 112, are rejected under 35 U.S.C. 102(e) as being anticipated by Oyamatsu (5,923,969).

Oyamatsu teaches in figure 14 a substrate 1 (figure 13), active regions of a plurality of transistors having at least one first and second electrodes on the substrate, a plurality of transistor gates on the substrate between said electrodes, wherein two or more gates are of a predetermined width and length at a substantially constant gap on the substrate, and a plurality of dummy gates having a predetermined width and length between a plurality of transistors at substantially the same said gap.

Regarding claims 15, 19, 23 and 26, Oyamatsu teaches in figure 14B the length of dummy gates being substantially the same as that of the transistor gates.

Regarding claims 16; 20 and 24, Oyamatsu teaches in figure 14 transistor gates having common terminals each of which connected on the substrate.

Art Unit: 2811

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 14-16, 18-20, 22-24, 26-27 and 17, 21, 25, 28, insofar as in compliance with 35 U.S.C. 112 rejected under 35 U.S.C. 103(a) as being unpatentable over Oyamatsu in view of Bothra et al. (6,020,616) or Japanese Patent (9-289251).

Oyamatsu teaches substantially the entire claimed structure, as applied to claims 14, 18, 22 and 26, except dummy gates being commonly connected.

Bothra et al. teach in figure 3L a plurality of dummy gates 226 being commonly connected on a substrate. Japanese Patent teaches in figure 3 a plurality of dummy gates 1 being commonly connected on a substrate.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to commonly connect the plurality of dummy gates in Oyamatsu's device in order to simplify the processing steps of making the device.

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References C and O are cited as being related to layouts of dummy gates.

Art Unit: 2811

Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.

Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(703) 308-8138**. The Examiner is in the Office generally between the hours of 7 AM to 3 PM (Eastern Standard Time) Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas, can be reached at **(703) 308-2772**.

Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308-0956**

Ori Nadav, Ph.D.

March 16, 2001

William Mintel
William Mintel
Primary Examiner
Art Unit 2811